

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILLIAM PATRICK GARCIA,
Plaintiff,
v.
D. DENBERG, et al.,
Defendants.

No. 2:23-cv-02098-KJM-DMC-P

ORDER

Plaintiff, a prisoner proceeding pro se, brings this civil rights action under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by Eastern District of California local rules.


On June 6, 2024, the Magistrate Judge filed findings and recommendations, which were served on the parties, and which contained notice that the parties may file objections within the time specified therein. No objections to the findings and recommendations have been filed.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court . . .”). Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.

Accordingly, IT IS HEREBY ORDERED as follows:

1. The findings and recommendations filed June 6, 2024, ECF No. 12, are adopted in full.
2. This action proceeds on Plaintiff's Eighth Amendment safety claims against all defendants named in the first amended complaint (B. Denberg, G. Kong, J. Kinross, A. Silva, C. Gipson, and K. Armstrong).
3. All other claims are dismissed for failure to state a claim upon which relief can be granted.
4. This matter is referred back to the assigned Magistrate Judge for further proceedings.

DATED: August 16, 2024.


CHIEF UNITED STATES DISTRICT JUDGE